



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

DAVID JOHN FORD, et al.

Group Art Unit:3629

Examiner: Michael J. Fisher

Serial No.: 10/064,962

Filed: September 4, 2002

For: **ONLINE METHOD AND SYSTEM FOR ADVISING
CUSTOMERS ON SERVICE NEEDS, FACILITATING
THE SCHEDULING OF VEHICLE SERVICE APPOINTMENTS,
AND CHECKING VEHICLE SERVICE STATUS**

Attorney Docket No.: FMC 1438 PUS / 81046134

DECLARATION OF KENNETH J. McCaffrey

Mail Stop Amendment
Commissioner for Patents
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Kenneth J. McCaffrey, make the following declarations:

1. I am an employee of Ford Motor Company and am an inventor on the above-identified patent application.
2. Applicants filed the above-identified Application with the U.S.P.T.O. on September 4, 2002.
3. During the time period of July 11, 2001 to May 21, 2002 (otherwise referred to as "the precritical period"), experimental use activities occurred with respect to subject matter disclosed and claimed in the Application in the form of experimental software development.

4. The name given to the experimental software was Virtual Service Advisor (VSA).

5. The primary purpose of this experimental activity was to ascertain whether VSA 1.0 would perform for its intended purpose of providing an online method and system for advising customers on service needs, facilitating the scheduling of vehicle service appointments, and checking vehicle service status.

6. The Applicants determined that the invention would work for its intended purpose after the precritical period.

7. Starting on July 11, 2001, Ford Motor Company ("FMC") partnered with a select group of its dealers to experimentally test the VSA software, which embodied subject matter disclosed and claimed in the above-identified application. FMC exerted substantial control over the experimental activities.

8. FMC required the dealers to enter into a confidential agreement with FMC to restrict the dealer's use and disclosure of subject matter relating to the experimental activities.

9. During the precritical period, FMC partnered with a software development vendor SoftAD and a hardware infrastructure provider ADP to prepare the intended high speed Internet environment for the experimental testing of the VSA software.

10. FMC secured a confidential agreement from SoftAD to restrict SoftAD's use and disclosure of subject matter relating to the experimental activities.

11. FMC secured a confidential agreement from ADP to restrict ADP's use and disclosure of subject matter relating to the experimental activities.

12. During the precritical period, dealers were given the capacity to communicate in the high speed Internet environment created by FMC and ADP. Creating the environment was a prerequisite to testing the VSA software to determine if it would perform its intended purpose. This represented a substantial amount of work on the part of FMC, the dealers SoftAD and ADP due to the complicated nature of the computer systems involved.

13. On a rolling basis, when a dealer became connected to the high speed Internet environment, VSA would be installed within the environment of such dealer. Upon installation, the dealer would have access to the web-based software tool and grant such access to its user base, i.e. vehicle customers requesting service and maintenance of their vehicles.

14. During the precritical period, substantial testing was performed on VSA. This required dealers to offer functionality embodied in the software tool to its user base so that the FMC to determine if the invention would perform for its intended purpose.

I further declare that all statements made herein are of my own knowledge and are true and that all statements made on information and belief are believed to be true. And, further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine and imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

KENNETH J. McCAFFREY

Date: 1-21-05

